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March 3, 2020

Hon. John G. Koeltl
US District Court
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: Yony Sosa v. Patagonia, Inc.
Civil Action No.: 1:19-cv-10744-JGK

Dear Judge Koeltl:

I represent Defendant Patagonia, Inc. ("Defendant" or "Patagonia") in the above captioned matter. In accord with Your Honor's Individual Rules and Practices, we write, jointly with Plaintiff's counsel and with his consent, to respectfully request a stay of this matter pending the resolution of other motions to dismiss pending in the Second Circuit.

At this time, there are multiple motions to dismiss that have been filed including: *Matzura v. Seven For All Mankind, LLC*, No. 1:19-cv-10141-JGK; *Delacruz v. Converse, Inc.*, No. 1:19-cv-10293-GBD; *Lopez v. Arby's Franchisor, LLC*, No. 1:19-cv-10074-VSB; and *Mendez v. Lane Bryant*, No. 1:19-cv-10772-MKV.

The plaintiffs in the cases above assert identical claims as those asserted in this case. The decisions in the motions to dismiss in those cases, including Your Honor's decision on the defendant's motion to dismiss in the *Matzura* case, will therefore have a significant impact on this case, as it will help clarify and possibly narrow the issues in this matter. Therefore, staying this matter pending the resolution of the other motions to dismiss is in the interest of judicial economy and will help conserve both the parties' and the Court's time and resources. A stay was entered for similar reasons in four other cases pending before this Court which assert identical claims, *Delacruz v. Jamba Juice Company*, No. 1:19-cv-10321-GHW (see Docket Entry No. 20 in which the Hon. Gregory H. Woods entered an Order providing, among other things, that "this case is stayed to permit the resolution of motions to dismiss in similar matters currently pending before the Court and elsewhere in this District" and staying the case until July 21, 2020), and *Calcano v. Domino's Pizza, Inc.*, No. 1:19-cv-09823 (same order in another case pending before Judge Woods, see Docket Entry No. 24). Further, in *Delacruz v. Five Below, Inc.*, No. 19-cv-

*Application granted.
Case stayed until July 14, 2020
in accordance with the terms
of this letter.*
So ordered.
3/9/20 JGK/jas

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10294 (See Docket Entry No. 16 in which Hon. Ronnie Abrams entered an Order staying that matter pending the *Tucker v. Whole Foods Market Group, Inc.*, 19-cv-9842 motion to dismiss). Further, in *Calcano v. Lululemon USA Inc.*, No. 1:19-cv-10430 (See Docket Entry No. 22 in which Hon. Ronnie Abrams entered an Order staying that case until June 19, 2020).

The parties further propose that if the Court stayed this case, the parties submit a joint status letter to the Court within fourteen (14) days of any issuance of any opinion(s) in the Second Circuit evaluating the merits of claims such as those advanced by Plaintiff in the instant matter. The joint status letter will address the impact of the decision(s) on the viability of this case and the continued need for a stay. If there is no decision by July 14, 2020, the parties will submit a joint status letter outlining the status of the cases in which Motions to Dismiss are pending.

In the alternative, if the Court is not inclined to stay this matter, Defendant writes to request to set an agreed briefing schedule of twenty-one (21) days from the Court's determination of this letter to file its Motion to Dismiss, and twenty-one (21) days for Plaintiff to file its response. Further, seven (7) days for Defendant to file a Reply. Plaintiff consents to these proposed extensions, and the requested extensions will not prejudice any party to this action.

Accordingly, the Parties respectfully request that this matter be stayed pending the Court's determination of the motion to dismiss filed by the defendant in the *Delacruz v. Jamba Juice Company* action, or, in the alternative, that Defendant be granted a twenty-one (21) day extension of time to answer, move, or otherwise respond to the Complaint.

We appreciate Your Honor's consideration of this request, and thank the Court for its time and attention to this matter.

Respectfully submitted:



Ryan T. Benson

cc: All Counsel of Record